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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

E-FILED - 2/6/06

11 UNITED STATES OF AMERICA,)	No. CR 05-00288 RMW
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
)	HEARING; ORDER
13 v.)	
)	
14 MARIO PONCE,)	
)	
15 Defendant.)	
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16
17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Monday, February 13, 2006, at 9:00 a.m., be continued to Monday, April 3, 2006, at 9:00 a.m.
20 The defense requests the continuance because the immigration attorney hired by Mr. Ponce's
21 family, Phil Vaughns, has filed a motion in state court to vacate or modify the felony conviction
22 that rendered Mr. Ponce deportable. Mr. Vaughns expects that the motion will be resolved
23 within approximately one months, and will then determine whether additional action can be
24 taken in immigration court with respect to Mr. Ponce's status.

25 The parties further agree that time should be excluded under the Speedy Trial Act until
26 the next hearing of this matter because the defense requires time for investigation and

1 preparation, and the ends of justice outweigh the defendant's and the public's need for a speedy
2 trial.

3 Dated: 2/2/06

/s/

LARA S. VINNARD
Assistant Federal Public Defender

5 Dated: 2/2/06

/s/

SUSAN KNIGHT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00288 RMW
)	
Plaintiff,)	ORDER CONTINUING
v.)	HEARING AND EXCLUDING TIME
)	
MARIO PONCE,)	
)	
Defendant.)	
_____)	

The parties have jointly requested a continuance of the hearing set for February 13, 2006, on grounds that a motion has been filed in state court to vacate or modify the conviction that rendered Mr. Ponce deportable.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for February 13, 2006, be continued to Monday, April 3, 2006, at 9:00 a.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from February 13, 2006, to April 3, 2006, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

Dated: 2/6/06

/S/ RONALD M. WHYTE _____
RONALD M. WHYTE
United States District Judge